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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,237	06/05/2001	Daryl Eigen	eLink-Full US	5707
33549	7590	09/21/2004	EXAMINER	
SANTANGELO LAW OFFICES, P.C. 125 SOUTH HOWES, THIRD FLOOR FORT COLLINS, CO 80521			BENGZON, GREG C	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/874,237	<b>Applicant(s)</b> EIGEN ET AL.	
	<b>Examiner</b> Greg Bengzon	<b>Art Unit</b> 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This application has been examined. Claims 1-20 are pending.

#### ***Priority***

This application claims priority benefit of US provisional application 60/213151 (06/22/2000). The effective filing date for the subject matter defined in the pending claims in this application is 06/22/2000.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following items must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

With respect to Claim 1, the following items must be shown: A stand alone fault tolerant Internet communications system comprising: c. at least one communications element which is responsive to said independent multipurpose programmable processor; d. at least one router element which is responsive to said communications element; and e. at least one independent data server element which is responsive to both said independent multipurpose programmable processor and said at least one independent memory element.

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With respect to Claim 2, the following items must be shown: an independent operating system element to which said independent multipurpose programmable processor is responsive to at least some functionality.

With respect to Claim 3, the following items must be shown: a system as described in claim 2 wherein said independent operating system element comprises a flash memory element.

With respect to Claim 4, the following items must be shown: a system as described in claim 2 wherein said independent operating system element comprises a reduced functionality operating system element.

With respect to Claim 5, the following items must be shown: A system as described in claim 1 and further comprising a remote administration element to which said independent multipurpose programmable processor is responsive.

With respect to Claim 6, the following items must be shown: A system as described in claim 1 and further comprising a remote configuration element to which said independent multipurpose programmable processor is responsive.

With respect to Claim 7, the following items must be shown: A system as described in claim 6 wherein said remote configuration element comprises a Web browser element.

With respect to Claim 8, the following items must be shown: A system as described in claim 6 wherein said remote configuration element comprises a disparate operating system element.

With respect to Claim 9, the following items must be shown: A system as described in claim 6 wherein said remote configuration element comprises a flash memory element.

With respect to Claim 10, the following items must be shown: A system as described in claim 1 and further comprising a redundant operating system element to which said independent multipurpose programmable processor is responsive to at least some functionality.

With respect to Claim 11, the following items must be shown: A fault tolerant Internet communications system comprising: a. a computer; c. at least one router element which is responsive to said communications element; d. at least one data server element which is responsive to computer; e. an integrated firewall element to which said communications element is responsive; and f. an independent operating system element to which said computer is responsive to at least some functionality.

With respect to Claim 12, the following items must be shown: A system as described in claim 11 wherein said independent operating system element comprises a flash memory element.

With respect to Claim 13, the following items must be shown: A system as described in claim 11 wherein said independent operating system element comprises a reduced functionality operating system element.

With respect to Claim 14, the following items must be shown: A system as described in claim 11 and further comprising a remote administration element to which said computer is responsive.

With respect to Claim 15, the following items must be shown: A system as described in claim 11 and further comprising a remote configuration element to which said computer is responsive.

With respect to Claim 16, the following items must be shown: A system as described in claim 15 wherein said remote configuration element comprises a Web browser element.

With respect to Claim 17, the following items must be shown: A system as described in claim 15 wherein said remote configuration element comprises a disparate operating system element.

With respect to Claim 18, the following items must be shown: A system as described in claim 11 and further comprising a redundant operating system element to which said computer is responsive to at least some functionality.

With respect to Claim 19, the following items must be shown: A fault tolerant Internet communications system comprising: a. a computer; b. at least one communications element which is responsive to said computer; and c. a reduced functionality operating system element to which said computer is responsive.

With respect to Claim 20, the following items must be shown: A system as described in claim 19 wherein said reduced functionality operating system element comprises a flash memory element.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

In describing the features of the invention, the disclosure uses language that is vague and does not unequivocally state what the invention can or cannot do. The applicant is advised to refrain from using auxiliary verbs such as 'may' or 'will' in

conjunction with the features of the invention, as these verbs only suggest the possibility but not the certainty of the features being described.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Razzaghe-Ashrafi (US Patent Number 6330715) hereinafter referred to as Razzaghe-Ashrafi in view of Mills et al (US Patent Number 6055560) hereinafter referred to as Mills, further in view of Major et al (US Patent Number 5157663) hereinafter referred to as Major.

With respect to Claim 1, Razzaghe-Ashrafi discloses a stand alone Internet communications system (Figure 2 Column 4 Lines 45-67) comprising: an independent multipurpose programmable processor; at least one independent memory element to which said independent multipurpose programmable processor is responsive; at least one communications element which is responsive to said independent multipurpose programmable processor; and at least one independent data server element which is

responsive to both said independent multipurpose programmable processor and said at least one independent memory element.

With respect to Claim 2, Razzaghe-Ashrafi discloses a stand alone Internet communications system as described in claim 1 and further comprising an independent operating system element to which said independent multipurpose programmable processor is responsive to at least some functionality. (Figure 2 Column 5 Lines 60-67, Column 6 Lines 1-15)

With respect to Claim 3, Razzaghe-Ashrafi discloses a stand alone Internet communications system as described in claim 2 wherein said independent operating system element comprises a flash memory element. (Figure 2 Column 4 Lines 45-67)

With respect to Claim 4, Razzaghe-Ashrafi discloses a stand alone Internet communications system as described in claim 2 wherein said independent operating system element comprises a reduced functionality operating system element. (Figure 2 Column 5 Lines 60-67, Column 6 Lines 1-15)

With respect to Claim 5, Razzaghe-Ashrafi discloses a stand alone Internet communications system as described in claim 1 and further comprising a remote administration element to which said independent multipurpose programmable processor is responsive. (Figure 3 Column 6 Lines 34-67)

With respect to Claim 6, Razzaghe-Ashrafi discloses a stand alone Internet communications system as described in claim 1 and further comprising a remote configuration element to which said independent multipurpose programmable processor is responsive. (Figure 3 Column 6 Lines 34-67)

With respect to Claim 7, Razzaghe-Ashrafi discloses a stand alone Internet communications system as described in claim 6 wherein said remote configuration element comprises a display device. (Figure 3 Column 6 Lines 34-67)

With respect to Claim 8, Razzaghe-Ashrafi discloses a stand alone Internet communications system as described in claim 6 wherein said remote configuration element comprises a disparate operating system element. (Figure 3 Column 6 Lines 34-67)

With respect to Claim 9, Razzaghe-Ashrafi discloses a stand alone Internet communications system as described in claim 6 wherein said remote configuration element comprises a flash memory element. (Column 7 Lines 45-50)

With respect to Claim 10, Razzaghe-Ashrafi discloses a stand alone Internet communications system as described in claim 1 and further comprising a redundant operating system element to which said independent multipurpose programmable processor is responsive to at least some functionality. (Figure 2, Column 5 Lines 60-67, Column 6 Lines 1-15, Column 6 Lines 49-60)

However, Razzaghe-Ashrafi does not disclose any concepts or practices regarding fault tolerant systems as applied to network servers, such that the servers are able to provide reduced functionality in certain instances of system malfunction. Furthermore, although Razzaghe-Ashrafi describes a network system, Razzaghe-Ashrafi does not disclose any teachings regarding communication elements such as

routers and firewalls in the system. Furthermore, Razzaghe-Ashrafi does not disclose a Web browser being installed on the display device attached to the system.

Mills discloses a server system that has at least one router element and one firewall element which is responsive to said communications element, in the form of level 1 and level 2 gateways and message routers. (Figure 1, Figure 4) Furthermore Mills discloses of a user selection interface provided by a graphics agent. (Column 9 Lines 50-60)

Major discloses a fault tolerant server system presenting a software solution for providing a backup system in case of system malfunction.

Razzaghe-Ashrafi , Mills , and Major are analogous art because they present solutions for networked server systems, taken in the context of maintaining the availability of the operating systems for continued operation. It is respectfully suggested that at the time of the invention it would have been obvious to a person of ordinary skill in the art to apply the teachings of Mills in order to have router and firewall elements in the system described by Razzaghe-Ashrafi. It would have been similarly obvious to implement a graphical user interface in the form of a web browser using a graphics agent on the display devices in the system described by Razzaghe-Ashrafi. Furthermore, it would have similarly obvious to apply the teachings of Major in order to incorporate fault tolerant capabilities into a system that combines the teachings by Razzaghe-Ashrafi and Mills such that backup systems are readily available and are tightly coupled with the primary systems.

The motivation for applying the teachings of Mills into the system described by Razzaghe-Ashrafi would have been to provide full networking capability and to enable communications over various networks, including those using ATM and frame relay protocols, while having some protection against unauthorized access. Also, by providing a web browser element in the display device in the system described by Razzaghe-Ashrafi the applicant would have enabled remote access to the system. The motivation for applying the teachings of Major into the system that combines the teachings by Razzaghe-Ashrafi and Mills would have been to improve server management procedures and provide a 'soft' landing in case of a system malfunction.

Therefore it would have been obvious to combine the teachings of Mills with the system described by Razzaghe-Ashrafi and further combine the teachings of Major into the system that combines the teachings by Razzaghe-Ashrafi and Mills , to obtain the invention as specified in Claims 1-10.

Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Razzaghe-Ashrafi (US Patent Number 6330715) hereinafter referred to as Razzaghe-Ashrafi in view of Mills et al (US Patent Number 6055560) hereinafter referred to as Mills , further in view of Major et al (US Patent Number 5157663) hereinafter referred to as Major.

With respect to Claim 11, Razzaghe-Ashrafi discloses an Internet communications system comprising: a computer; at least one communications element which is responsive to said computer; at least one data server element which is responsive to computer; an independent operating system element to which said computer is responsive to at least some functionality. (Figure 2, Column 4 Lines 45-67)

With respect to Claim 12, Razzaghe-Ashrafi discloses an Internet communications system as described in claim 11 wherein said independent operating system element comprises a flash memory element. (Figure 2 Column 4 Lines 45-67, Column 5 Lines 60-67, Column 6 Lines 1-15)

With respect to Claim 13, Razzaghe-Ashrafi discloses an Internet communications system as described in claim 11 wherein said independent operating system element comprises a reduced functionality operating system element. (Column 1 Lines 55-60, Column 6 Lines 1-20)

With respect to Claim 14, Razzaghe-Ashrafi discloses an Internet communications system as described in claim 11 and further comprising a remote administration element to which said computer is responsive. (Figure 3 Column 6 Lines 34-67)

With respect to Claim 15, Razzaghe-Ashrafi discloses an Internet communications system as described in claim 11 and further comprising a remote configuration element to which said computer is responsive. (Figure 3 Column 6 Lines 34-67)

With respect to Claim 16, Razzaghe-Ashrafi discloses A fault tolerant Internet communications system as described in claim 15 wherein said remote configuration element comprises a display device. (Figure 3 Column 6 Lines 34-67)

With respect to Claim 17, Razzaghe-Ashrafi discloses an Internet communications system as described in claim 15 wherein said remote configuration element comprises a disparate operating system element. (Figure 3 Column 6 Lines 34-67)

With respect to Claim 18, Razzaghe-Ashrafi discloses an Internet communications system as described in claim 11 and further comprising a redundant operating system element to which said computer is responsive to at least some functionality. (Column 5 Lines 60-67, Column 6 Lines 1-15, Column 6 Lines 49-60)

However, Razzaghe-Ashrafi does not disclose any concepts or practices regarding fault tolerant systems as applied to network servers, such that the servers are able to provide reduced functionality in certain instances of system malfunction. Furthermore, although Razzaghe-Ashrafi describes a network system, Razzaghe-Ashrafi does not disclose any teachings regarding communication elements such as

routers and firewalls in the system. Furthermore, Razzaghe-Ashrafi does not disclose a Web browser being installed on the display device attached to the system.

Mills discloses a server system that has at least one router element and one firewall element which is responsive to said communications element, in the form of level 1 and level 2 gateways and message routers. (Figure 1, Figure 4) Furthermore Mills discloses of a user selection interface provided by a graphics agent. (Column 9 Lines 50-60)

Major discloses a fault tolerant server system presenting a software solution for providing a backup system in case of system malfunction.

Razzaghe-Ashrafi , Mills , and Major are analogous art because they present solutions for networked server systems, taken in the context of maintaining the availability of the operating systems for continued operation. It is respectfully suggested that at the time of the invention it would have been obvious to a person of ordinary skill in the art to apply the teachings of Mills in order to have router and firewall elements in the system described by Razzaghe-Ashrafi. It would have been similarly obvious to implement a graphical user interface in the form of a web browser using a graphics agent on the display devices in the system described by Razzaghe-Ashrafi. Furthermore, it would have similarly obvious to apply the teachings of Major in order to incorporate fault tolerant capabilities into a system that combines the teachings by Razzaghe-Ashrafi and Mills such that backup systems are readily available and are tightly coupled with the primary systems.

The motivation for applying the teachings of Mills into the system described by Razzaghe-Ashrafi would have been to provide full networking capability and to enable communications over various networks, including those using ATM and frame relay protocols, while having some protection against unauthorized access. Also, by providing a web browser element in the display device in the system described by Razzaghe-Ashrafi the applicant would have enabled remote access to the system. The motivation for applying the teachings of Major into the system that combines the teachings by Razzaghe-Ashrafi and Mills would have been to improve server management procedures and provide a 'soft' landing in case of a system malfunction.

Therefore it would have been obvious to combine the teachings of Mills with the system described by Razzaghe-Ashrafi and further combine the teachings of Major into the system that combines the teachings by Razzaghe-Ashrafi and Mills , to obtain the invention as specified in Claims 11-18.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Razzaghe-Ashrafi (US Patent Number 6330715) hereinafter referred to as Razzaghe-Ashrafi in view of Mills et al (US Patent Number 6055560) hereinafter referred to as Mills , further in view of Major et al (US Patent Number 5157663) hereinafter referred to as Major.

With respect to Claims 19-20, Razzaghe-Ashrafi discloses a system with limitations previously described in Claims 1-10 and Claims 11-18.

However, Razzaghe-Ashrafi does not disclose any concepts or practices regarding fault tolerant systems as applied to network servers, such that the servers are able to provide reduced functionality in certain instances of system malfunction. Furthermore, although Razzaghe-Ashrafi describes a network system, Razzaghe-Ashrafi does not disclose any teachings regarding communication elements such as routers and firewalls in the system.

Mills discloses a server system that has at least one router element and one firewall element which is responsive to said communications element, in the form of level 1 and level 2 gateways and message routers. (Figure 1, Figure 4) Furthermore Mills discloses of a user selection interface provided by a graphics agent. (Column 9 Lines 50-60)

Major discloses a fault tolerant server system presenting a software solution for providing a backup system in case of system malfunction.

Razzaghe-Ashrafi , Mills , and Major are analogous art because they present solutions for networked server systems, taken in the context of maintaining the availability of the operating systems for continued operation. It is respectfully suggested that at the time of the invention it would have been obvious to a person of ordinary skill in the art to apply the teachings of Mills in order to have router and firewall elements in the system described by Razzaghe-Ashrafi. It would have been

similarly obvious to implement a graphical user interface in the form of a web browser using a graphics agent on the display devices in the system described by Razzaghe-Ashrafi. Furthermore, it would have similarly obvious to apply the teachings of Major in order to incorporate fault tolerant capabilities into a system that combines the teachings by Razzaghe-Ashrafi and Mills such that backup systems are readily available and are tightly coupled with the primary systems.

The motivation for applying the teachings of Mills into the system described by Razzaghe-Ashrafi would have been to provide full networking capability and to enable communications over various networks, including those using ATM and frame relay protocols, while having some protection against unauthorized access. Also, by providing a web browser element in the display device in the system described by Razzaghe-Ashrafi the applicant would have enabled remote access to the system. The motivation for applying the teachings of Major into the system that combines the teachings by Razzaghe-Ashrafi and Mills would have been to improve server management procedures and provide a 'soft' landing in case of a system malfunction.

Therefore it would have been obvious to combine the teachings of Mills with the system described by Razzaghe-Ashrafi and further combine the teachings of Major into the system that combines the teachings by Razzaghe-Ashrafi and Mills , to obtain the invention as specified in Claims 19-20.

**Conclusion**


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571)272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GCB

  
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